

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

Case # 12-CR-6142-FPG

v.

DECISION & ORDER

BRIAN K. CAMPBELL,
Defendant.

By text order of Hon. Charles J. Siragusa, United States District Judge, entered on October 25, 2010, this case was referred to United States Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). Dkt. #4. Thereafter, on May 6, 2013, Defendant, who is charged by a twelve-count indictment (Dkt. #1), filed a motion seeking various forms of relief, including the dismissal of Counts One and Four (Dkt. #23). Count One charges that from in or before August 2007 and continuing until in or about June 2008, Defendant conspired with Co-defendant Kenneth M. Griffin ("Griffin") to commit mail fraud and wire fraud, in violation of 18 U.S.C. § 1349. Dkt. #1 at 5-15. Count Four charges Defendant and Griffin with conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). *Id.* at 19-22. Following a motion hearing held on June 4, 2013, the Magistrate Judge issued several rulings granting or denying certain forms of relief requested by Defendant, but reserved her decision on the dismissal of Counts One and Four of the indictment on the ground of insufficiency. Dkt. #31.

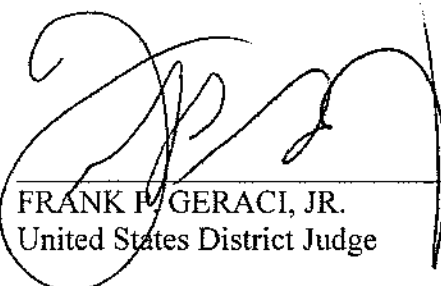
On July 2, 2013, the Magistrate Judge filed a Report and Recommendation (Dkt. #32), recommending that this Court deny Defendant's motion to dismiss Counts One and Four of the indictment on the grounds of deficient pleading and Count One as duplicitous. In accordance with 28 U.S.C. § 636(b)(1), the Magistrate Judge ordered any Objections to the Report and

Recommendation to be filed within fourteen (14) days after receipt of a copy of the Report and Recommendation. The statutory period for filing such Objections has expired, and the Court has not received any filed Objections to the Report and Recommendation during the filing period.

After reviewing all matters submitted, I find no reason to alter or modify any of the findings and conclusions contained in the Report and Recommendation. Accordingly, the Court accepts and adopts the Report and Recommendation filed by United States Magistrate Judge Marian W. Payson. Dkt. #32. Defendant's motion to dismiss Counts One and Four (Dkt. #23), is hereby denied.

IT IS SO ORDERED.

DATED: Rochester, New York
July 19, 2013



FRANK P. GERACI, JR.
United States District Judge